

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA HELD ON THE 22nd DAY OF MARCH, 2010 AT 6:00 P.M.
IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755
ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | | |
|------------------|-----|---|
| Section 2.2-3711 | (5) | Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community. |
| | | 1. Project # 200920 |
| | | 2. Project # 200930 |
| | (1) | Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | | 1. CPMT |
| | | 2. Parks and Recreation Commission |
| | | 3. Planning Commission |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

<u>AYES</u>
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Annette S. Perkins

<u>NAYS</u>
None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit – WTB Partnership (Sarah Finkner)

A request by WTB Partnership (Sarah Finkner) for a special use permit on 1.695 acres in a General Business (GB) zoning district to allow a commercial kennel. The property is located at 3740 and 3750 South Main Street, and is identified as Tax Parcel Nos. 67A-A-4, 5, 6 (Acct # 015065, 015066, 009666) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a summary on the request and showed aerial photos and video of the location of the property. The property is zoned general business and a special use permit is required for a commercial kennel. The applicant will not be operating a commercial kennel but a pet sitting and dog daycare services with no overnight boarding and limited hours of operation during the day. No more than twenty (20) dogs will be housed at the location at any given time. The business will generate less that 25 vehicle trips per day, with the majority of the trips at the beginning and end of each business day, dropping off and picking up of pets. The applicant's business, New River Valley Varmints, is currently located within the Town of Blacksburg town limits and the applicant wishes to relocate to another location for additional space.

At their March 10, 2010 meeting, the Planning Commission recommended approval of the Special Use Permit with conditions.

Sarah Finkler - applicant, provided additional information on her special use permit request. Ms. Finkler stated she started a small pet sitting business in 1999 where she would go to the owner's home. In 2007, she opened a pet daycare center where clients dropped off their pets for daily supervision. They do not provide overnight boarding and will only have up to 20 dogs per day.

Ms. Finkler stated that she proposes to upgrade the property if approved. The existing house will be upgraded to fit the needs of the animals and the outside will be landscaped and fencing will be installed.

Ms. Finkler explained that that her lease at the current location will expire at the end of March 2010 and if there was any way the Board could speed up the process to consider her request before then she would appreciate it.

The Chair opened the public hearing to receive citizens' comments.

There being no speakers, the public hearing was closed.

Amendment to Chapter 10, Entitled Zoning

An Ordinance amending Chapter 10, entitled Zoning, Sections 10-21, 10-28, 10-29 and 10-61 of the Code of the County of Montgomery, Virginia by allowing a school of special instruction by right in the General Business (GB) and Community Business (CB) zoning districts and by special use permit in the Agriculture (A-1) zoning district and by clarifying that the list of skills and activities provided in the definition of school of special instruction is not all inclusive.

Dari Jenkins, Zoning Administrator, reviewed the proposed amendments. The amendments would allow uses in the appropriate districts and change the definition of special instruction. The proposed amendments address a request by a citizen who wants to operate a search and rescue training business on his property.

The amendments will allow the following:

- Allow school of special instruction as a use permitted by right in General Business and Community Business.
- Allow school of special instruction as a use permitted by Special Use Permit in Agricultural (A-1) zoning district.
- Amend current definition of school of special instruction to include “similar uses”.
- Responds to a request made by a citizen.

The amendments will not allow the following:

- Will not allow transition home or boarding house by right in any zoning district.
- Will not create additional regulations or design standards for this school of special instruction.

At their March 10, 2010 meeting, the Planning Commission recommended approval of the zoning ordinance amendments.

The Chair opened the public hearing for citizens’ comments.

Rob Speiden spoke in support of the proposed zoning ordinance amendments. Mr. Speiden stated he wishes to open a business on his property to provide search and rescue training. He was a state instructor for the Department of Emergency Management and taught search and rescue around the country. He also stated his wife is a yoga instructor and this would allow her business to expand as well.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Joe Painter thanked the Board for making information on the FY 2010-2011 budget available to the citizens. He expressed his appreciation to the Board for restoring 24 positions to the Sheriff’s Office and 2 positions in the Commonwealth’s Attorney’s Office. The loss of 24 deputies in the Sheriff’s Office would be disastrous to the County.

Lois Crismond spoke in opposition to a real estate tax increase. Ms. Crismond believes the majority of the citizens cannot afford an increase. There are people who have lost their jobs and people are in need. She suggested the County hold fundraisers to help cover the cost for new schools and courthouse.

Ms. Crismond also stated that the government is always taxing the citizens and she believes it’s time for another Boston Tea Party and to vote people out of office.

Richard Shelton, Treasurer for Montgomery County, spoke in support of the proposed four cent real estate tax increase. Mr. Shelton noted that Montgomery County has one of the lowest real estate tax rates compared to Roanoke County, Roanoke City, and the City of Salem. He believes an increase is needed to meet the needs of the County. The average home in Montgomery County is assessed at \$200,000 an increase of \$0.04 per \$100 would be an increase of \$80.00 in real estate tax. This would be equivalent of only \$6.67 per month, the cost of one meal at a fast food restaurant.

Mr. Shelton also urged the Board not to cut positions in his office. He stated all positions are needed to keep the Treasurer’s office functioning at full capacity. He described all the duties that are performed in the Treasurer’s Office and how they are the cash register for the County. Mr. Shelton understands the concerns of the citizens about higher taxes but believes the citizens will expect the same services from the Treasurer’s Office even with fewer employees.

Karen Conner addressed the Board as a voice for the teachers in Montgomery County. There is no easy answer regarding the dramatic reductions in funding from the State but she believes the children are the future. Ms. Conner urged the Board to keep level funding for the school system.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated March 22, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	

Approval of Minutes

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated November 12, November 16 and November 18, 2009 were approved.

Schedule Public Hearings

R-FY-10-135 A RESOLUTION SCHEDULING A JOINT PUBLIC HEARING WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION SIX-YEAR SECONDARY ROAD IMPROVEMENT PLAN

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing for Monday, May 10, 2010 at 7:15 p.m. or soon thereafter, in the Board Chambers located on the Second Floor in the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the proposed **Six Year Secondary Road Improvement Plan** for Montgomery County for Fiscal Years 2010/11 through 2015/16 and on the establishment of priorities for the 2010-2011 budget year. Rural Addition requests will also be received at this public hearing.

BE IT FURTHER RESOLVED, That the Virginia Department of Transportation will assure proper advertising of said public hearing.

Appropriations and Transfers

A-FY-10-82 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$9,997
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02250-423100	Shared Expenses	\$9,997

Said resolution appropriates Technology Trust fund monies to cover the cost of the Land Title Office (LTO) software maintenance contract for the International Land System (ILS) for the Clerk's office.

A-FY-10-83 DOG AND CAT STERILIZATION

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

400	Dog and Cat Sterilization	\$2,601
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02340-413101	Dog and Cat Sterilization	\$2,601

Said resolution appropriates monies received as part of the Dog and Cat Sterilization Program.

A-FY-10-84 FIRE AND RESCUE INSURANCE

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

330	Fire and Rescue	\$70,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451203	Undesignated Fund Balance	\$70,000

Said resolution appropriates fund balance to cover the cost of insurance for the fire and rescue volunteers.

A-FY-10-85 MONTGOMERY-FLOYD REGIONAL LIBRARY APPROPRIATION OF RECOVERED COSTS AND DONATIONS

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

710 Regional Library	\$39,317
711 Library Grants	\$ 5,865
720 Floyd Library	<u>\$17,722</u>
Total	\$62,904

The sources of funds for the foregoing appropriation are as follows:

416152 Library Fees	\$ 1,296
416158 Lost Damaged Materials	\$ 3,542
419108 Recovered Costs	\$11,861
434401 Federal Grants	\$ 5,865
416158 Donations	<u>\$40,340</u>
Total	\$62,904

Said resolution appropriates recovered costs, donations, additional fee revenue, and grant revenue for use by the Library.

A-FY-10-86
SHERIFF
TRANSFER FROM GENERAL CONTINGENCIES
BURIAL EXPENSES FOR INDIGENT CITIZEN

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies	(\$1,617)
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TO:

320 Sheriff County	\$1,617
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Said resolution transfers appropriated funds from General Contingencies to the Sheriff's Office to cover burial expenses for an indigent citizen.

A-FY-10-87
SHERIFF
RECOVERED COSTS

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

310 Sheriff – Comp Board	\$1,937
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419108 Recovered Costs	\$1,937

Said resolution appropriates recovered costs for use by the Sheriff's department.

A-FY-10-88
SOCIAL SERVICES - BUDGET ADJUSTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

540	Social Services	\$38,722
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
xxxxxx	State & Federal	\$42,435
451203	Fund Balance	<u>(\$3,713)</u>
	Total	\$38,722

Said resolution appropriates additional state approved funding and makes adjustments to budget allocations to match approved Social Services funding as reported by the state during mid-year review.

Appointments

R-FY-10-136
ADJUSTMENT AND APPEALS BOARD
REAPPOINT ALLEN F. WAGNER

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Allen F. Wagner** to the **Adjustment and Appeals Board** effective March 28, 2010 and expiring March 27, 2014.

R-FY-10-137
MONTGOMERY REGIONAL
ECONOMIC DEVELOPMENT COMMISSION
TOWN OF BLACKSBURG NON-ELECTED REPRESENTATIVE
APPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Roger E. Hedgepeth** to the **Montgomery Regional Economic Development Commission** as a non-elected representative of the Town of Blacksburg effective March 25, 2010 and expiring March 24, 2013.

R-FY-10-138
NEW RIVER VALLEY ECONOMIC
DEVELOPMENT ALLIANCE-
AT-LARGE REPRESENTATIVE APPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Larry N. Rush** as Montgomery County's at-large (private sector) representative to the **New River Valley Economic Development Alliance** effective March 23, 2010 and expiring December 31, 2010.

R-FY-10-139
PARKS AND RECREATION COMMISSION
AT – LARGE REPRESENTATIVE APPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Sharon Williams** as an at-large representative to the **Parks and Recreation Commission** effective March 23, 2010 and expiring March 22, 2013.

R-FY-10-140
PARKS AND RECREATION COMMISSION
REAPPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Robin Stidham**, who resides in District B, to the **Parks and Recreation Commission** effective March 23, 2010 and expiring March 22, 2013.

R-FY-10-141
TRANSPORTATION SAFETY COMMISSION
CITIZEN REPRESENTATIVE APPOINTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Jessie C. Nester** as a **citizen representative** to the **Transportation Safety Commission** effective March 23, 2010 and expiring March 22, 2013.

OLD BUSINESS

R-FY-10-142
RESOLUTION APPROVING THE VACATION AND RELOCATION
OF A PORTION OF THE TWENTY FOOT HUCKLEBERRY TRAIL EASEMENT
LOCATED ON THE NEW RIVER VALLEY MALL PROPERTY

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia possess a twenty foot variable width trail easement referred to as the Huckleberry Trail located on the New River Valley Mall property; and

WHEREAS, In designing the construction of the expansion of the Huckleberry Trail within the New River Valley Mall property from its current terminus to Rt. 114, the existing twenty foot variable width trail easement needs to be relocated and realigned where a new easement will be dedicated and a portion of the existing easement vacated; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, is in agreement with the proposed vacation and relocation of the Huckleberry Trail as shown on the plat entitled “Plat of Survey of A New 20 Foot And Variable Width Trail Easement For An Extension of the Huckleberry Trail Across A Portion of the Lands of PR Financing Limited Partnership” (“the Plat”), and agrees to accept the new dedicated twenty foot variable trail easement as shown on the Plat and to vacate a portion of the existing twenty foot trail easement as shown on the Plat; and

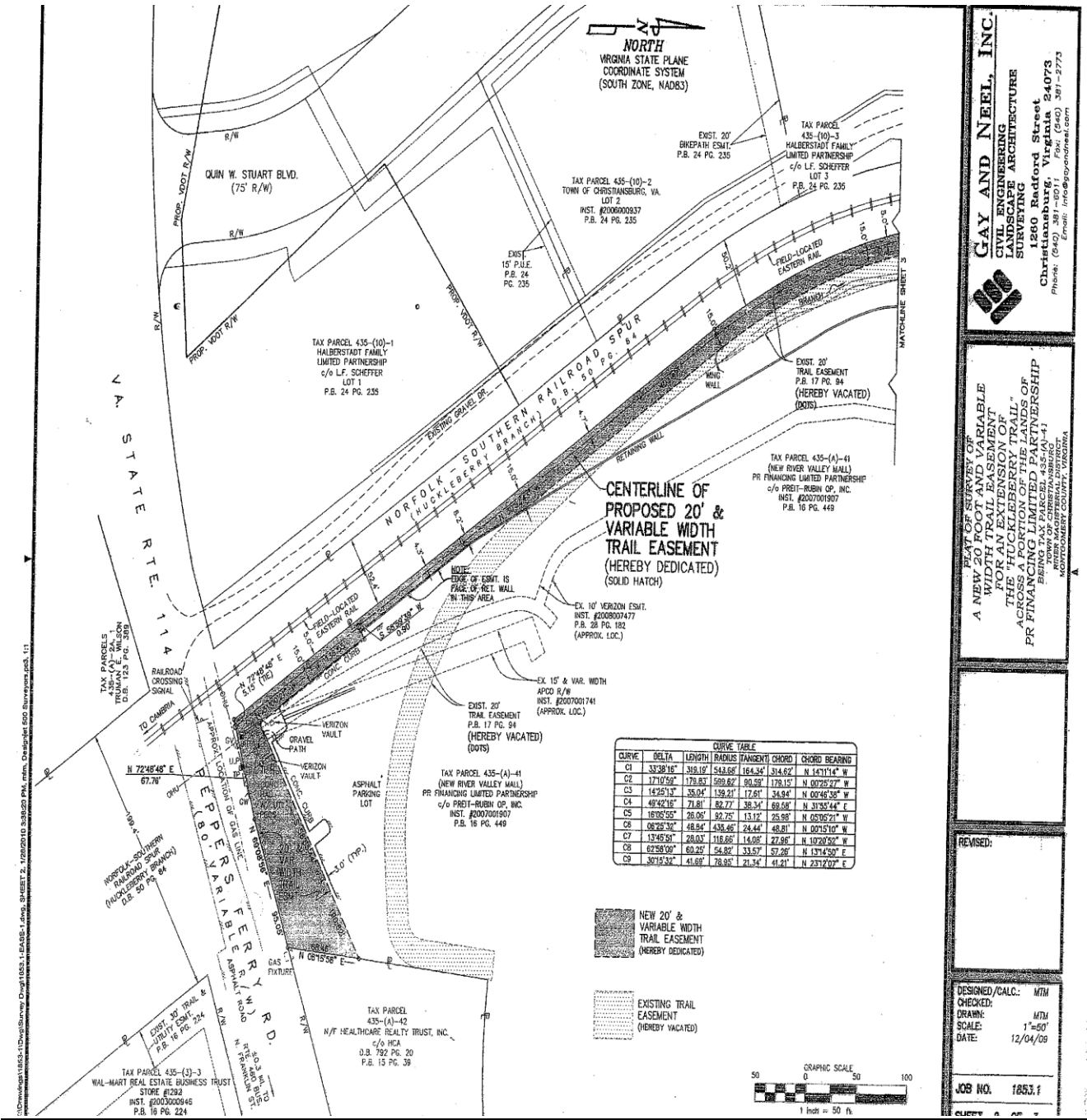
WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, advertised and held a public hearing on the proposed vacation and relocation of a portion of the twenty foot Huckleberry Trail Easement as required by Section 15.2-1800 of the Code of Virginia, 1950 as amended.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to the proposed vacation and relocation of a portion of the twenty foot Huckleberry Trail Easement as shown on the plat entitled "Plat of Survey of A New 20 Foot And Variable Width Trail Easement For An Extension of the Huckleberry Trail Across A Portion of the Lands of PR Financing Limited Partnership".

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes Chair Annette Perkins to sign any and all legal documents necessary to finalize the vacation and relocation of the Huckleberry Trail Easement as indicated on the Plat.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	



NEW BUSINESS

**R-FY-10-143
NACO PRESCRIPTION DISCOUNT CARD PROGRAM
MANAGED PHARMACY BENEFIT SERVICES AGREEMENT**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The National Association of Counties (NACo) prescription discount card program helps consumers save money on their prescription medications any time their prescriptions are not covered by insurance; and

WHEREAS, NACo is offering the program to all NACo member localities at no cost to the County and no cost to the citizens who wish to participate in the program; and

WHEREAS, Montgomery County is a member of the NACo and the Board of Supervisors wishes to offer the free prescription discount cards to the citizens of Montgomery County; and

WHEREAS, The free prescription discount cards may be used by all Montgomery County residents, regardless of age, income or existing health coverage; there is no enrollment form, no membership fee and no restrictions or limits on frequency of use; and cardholders and their family members may use the card any time their prescriptions are not covered by insurance.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby authorizes F. Craig Meadows, County Administrator, to enter into a Managed Pharmacy Benefit Services Agreement with the National Association of Counties and Caremark PCS, L.P. to provide NACo's prescription discount card program to Montgomery County citizens.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Mary W. Biggs	
James D. Politis	
Doug Marrs	
William H. Brown	
Annette S. Perkins	

**R-FY-10-144
PROCLAMATION
NATIONAL LIBRARY WEEK
APRIL 11-17, 2010**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, Montgomery-Floyd Regional Library plays a vital role in supporting the quality of life in our community; and

WHEREAS, Our public library along with the libraries at Virginia Tech, and Montgomery County schools make a difference in the lives of our residents and students, today more than ever; and

WHEREAS, Librarians are trained professionals, helping people of all ages and backgrounds, finding and interpreting the information they need to live, learn, and work in a challenging economy; and

WHEREAS, Libraries serve as crucial technology hubs for people in need of free Web access, computer training, and assistance finding job resources; and

WHEREAS, Libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

WHEREAS, Library use is up nationwide among all types of library users, continuing a decade-long trend; and

WHEREAS, Libraries, librarians, library workers, and supporters across America are celebrating National Library Week.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby proclaims April 11-17, 2010 as National Library Week and encourages all residents to visit the library this week to take advantage of the wonderful library resources available to them.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
James D. Politis	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

R-FY-10-145
PROCLAMATION
NATIONAL COUNTY GOVERNMENT MONTH
APRIL 2010

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, National County Government Month is celebrated each April by the nation's counties to raise public awareness and understanding about the roles and responsibilities of county government in our communities; and

WHEREAS, The nation's 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, Montgomery County and all counties take seriously their responsibility to protect and enhance the health, welfare, and safety of its resident in an effective and efficient manner; and

WHEREAS, Counties provide a variety of municipal services to its citizens, including law enforcement, schools, libraries, and parks; and

WHEREAS, County elected officials, administrators, and employees work each day to improve the quality of life for all citizens, promoting healthy and sustainable communities and environments where residents can work, learn, and play.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby declares April 2010 as County Government Month in Montgomery County and encourages all citizens to become active participants in their county government.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
Doug Marrs	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

ADD TO THE AGENDA – REQUEST FOR SPECIAL USE PERMIT

Supervisor Muffo requested the Special Use Permit request by WTB Partnership be added to the agenda for the Board’s consideration due to the applicant needing approval in a timely manner so she can vacate her current business location at the end of the month.

**R-FY-10-146
SPECIAL USE PERMIT
WTB PARTNERSHIP (AGENT: SARAH FINKNER)
FOR THE PURPOSE OF ALLOWING A COMMERCIAL KENNEL
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID # 015065, 015066, 009666, TAX MAP NUMBERS 67A-A-4,
67A-A-5, AND 67A-A-6.**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by **WTB Partnership (Sarah Finkner, Agent)** for a special use permit to allow a commercial kennel is consistent with the County’s Comprehensive Plan and is hereby **approved** with the following conditions:

1. In accordance with section 10-52(9)(c) of the Montgomery County Code a site plan prepared by a licensed engineer, architect, or land surveyor shall be submitted to the Zoning Administrator for approval. Site plan approval shall be required prior to the issuance of a certificate of occupancy.
2. No more than twenty (20) dogs or other household pets shall be permitted on site at any given time.
3. This special use permit is intended for a dog daycare facility; therefore no overnight boarding of dogs shall be permitted. The typical hours of operation shall be 7:00 AM to 7:00 PM, Monday through Saturday.
4. Animals shall not be permitted outside of the building for restroom or outdoor play time until the proposed fencing has been installed. The type of fencing used for the front of the building shall be five (5) foot wire and wood fencing, and the fencing for the rear shall be six (6) foot privacy fencing, with no spacing between panels. The type of fencing used on site shall be consistent with the descriptions and photographs included in the application materials.
5. No caging or chaining of animals in the outdoor area shall be permitted. Any animals utilizing the proposed outdoor facilities shall be accompanied by a NRV Varmints staff member.

The property is located at 3740 and 3750 South Main Street and is identified as Tax Parcel No(s) 67A-A-4, 67A-A-5, 67A-A-6 (Acct Nos. 015065, 015066, 009666), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
Gary D. Creed	
William H. Brown	
Annette S. Perkins	

RECESS

The Board took a 15 minute recess at 8:35 p.m. and reconvened at 8:50 p.m.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2010-2011 State Budget Update

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
James D. Politis	None	Gary D. Creed
Doug Marrs		
William H. Brown		
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		

FY 2010-2011 State Budget Update

The Assistant County Administrator provided an update on the State’s Budget and how it would impact Montgomery County. General highlights on the State budget are as follows:

- No new taxes
- Car Tax restored
- Increase in state fees - \$99.1 million
- \$63.9 million in FY 11 and \$54.1 million in FY 12 additional revenue based on reforecast
- In FY 11, the state budget uses \$13 million in Literary Fund dollars to pay a portion of RS payments freeing up General Fund dollars.
- In FY 11, the state budget includes \$126 million in Federal stimulus dollars funding public education.
- General Fund was reduced by \$360 million over two years backfilling with federal dollars from lower Medicaid match rate provided to States through the stimulus package.
- \$620 million is deferred over the biennium from teacher retirement, retiree health credit and group life contributions to be repaid over the next 10 years beginning 2013.
- Furlough days for state employees are eliminated.
- A 3% bonus in December 2010 is included for state employees if revenue exceeds FY 10 estimates by \$82.2 million.
- The local telecommunication tax is not directed toward a specific use by the state.

Concerns related to the changes in the state budget include:

- Expenditures in the state budget do not appear to be fully supported with on-going revenue, and are supported in some areas with temporary savings and yet to be realized federal dollars.
- Dollars restored or added in FY 11 in some areas are reduced in FY 12 or eliminated.
- If the state revenue estimates fail to meet projections –as has occurred previously- additional reduction to localities may be likely in both FY 11 and FY 12.
- Partial restoration of reductions for Constitutional Officers are included with percentages restored varies by office and actual dollars are not yet known. The State budget also includes the flexible cut to localities in both FY 11 and FY 12 and increases the amount from \$50 million to \$60 million.
- Governor Kaine’s budget reduced state funds for Montgomery County schools by nearly \$5.9 million. The approved budget appears to reduce revenue by an additional \$3.1 million. This reduction in revenue is intended to be offset by reduced expenditures from lower VRS rates. With the estimated savings in expenditures, the net impact of the revenue reduction to public schools is estimated at \$130,000 in addition to the Kaine budget cuts.
- The total estimated reduction to Montgomery County Public Schools in FY 11 is \$6 million.
- Other reductions in the state budget include reduction to Libraries increased to 14% each year; reduction to Local Electoral Boards and Registrars increased to 20% in each year; Line of Duty benefits previously funded by the state will be changed to a charge back to the locality in FY 12; and reduction to the Planning District Commissions increased to 15% each year.

The Assistant County Administrator explained that even though reductions are less in some areas than initially proposed, there are concerns about the stability of these funds in FY 12. As the State continues to reduce funds, the County will not be able to restore cuts in all areas.

County staff will continue to analyze the impact of the state budget changes on the County’s proposed budget. The public hearings on the proposed real estate tax rate increase and the proposed FY 2010-2011 budget are scheduled for March 29, 2010. A work session is scheduled for April 1, 2010 to review public comments and discuss budget options. The Board of Supervisors was scheduled to take action on the tax rate and budget on April 12, 2009. Since the entire Board will not be present at this meeting, it was recommended that the Board defer action until April 19, 2010.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	

COUNTY ADMINISTRATOR’S REPORT

The County Administrator reported on the following items:

1. Invitation to tour Eastern Montgomery Elementary School

The School Board has extended an invitation to the Board of Supervisors to tour the new Eastern Montgomery Elementary School on Wednesday, April 14, 2010. There will be 2 tours to accommodate everyone that would like to attend. The first tour will be at 4:00 p.m. and the second one will be at 6:00 p.m. RSVP is requested.

2. Speed Limit on Childress Road (SR 693)

An e-mail was received from Leonel and Carmen Rosales on March 16, 2010 requesting the Board of Supervisors' support in their effort to lower the speed limit on Childress Road to 45 mph. The Rosales' residence is near the intersection of Childress Road and Tyler Road. They stated it is difficult for drivers to see cars turning from Childress Road onto Tyler Road due to a hill on one side and a curve and hill on the other side. They also own a parcel of land adjacent to their residence which has been perked for a 4 bedroom house and they would like to sell this lot. There is one shared driveway for four residences and the vacant lot would make 5 if a residential structure is built. According to the Virginia Department of Transportation's regulations, this would constitute a subdivision and the existing driveway does not meet the site distance requirement.

The Rosales are requesting the speed limit be lowered to 45 mph to help meet VDOT's requirements for site distance so they can develop their land. They stated that lowering the speed limit by 10 mph could help limit traffic accidents and aid the County in economic development.

The County Administrator recommended that this request be referred to the Planning Department to review and meet with VDOT to discuss what needs to be done to qualify for a speed reduction.

By consensus, the Board accepted the County Administrator's recommendation and directed him to refer this request to the Planning Department.

3. Joint Meeting with the School Board

A possible date for a joint meeting with the School Board is Monday, April 19, 2010. The School Board will host the meeting at the Christiansburg High School. It was recommended during the Board's work session held earlier tonight that the Board schedule a special meeting on April 19 to take action on the proposed real estate tax increase and proposed budget. The County Administrator suggested that the special meeting to set the tax rate and approve the FY 2011 budget be scheduled for Tuesday, April 20, 2010.

The Board of Supervisors agreed that all members would be available and directed staff to confirm April 19, 2010 with the School Board for a joint meeting. The Board also agreed to schedule a special meeting on Tuesday, April 20, 2010 to take action on the proposed real estate tax rate and FY 2011 budget. .

**R-FY-10-147
RESOLUTION SCHEDULING A
SPECIAL MEETING FOR
TUESDAY, APRIL 20, 2010**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules a special meeting for Tuesday, April 20, 2010 at 6:00 p.m. in the Board Chambers, Montgomery County Government Center to consider taking action on the real estate tax rate for FY 10-11 and to consider taking action on the FY 10-11 Proposed Budget.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Annette S. Perkins

NAY

None

BOARD OF SUPERVISORS' REPORTS

Supervisor Biggs expressed concerns with the possibility of additional cuts to the Library system. Another 15% reduction from the state would reduce the Library's budget by \$40,000. This would affect the ability to purchase books and materials and would reduce the hours of operation.

Supervisor Creed reported the Montgomery Regional Solid Waste Authority (MRSWA) will start receiving mixed-paper for recycling. This will help reduce the amount of waste taken to the landfill.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, March 29, 2010 at 7:00 p.m.

The meeting adjourned at 9:55 p.m.

APPROVED: _____ ATTEST: _____
Annette S. Perkins F. Craig Meadows
Chair, Board of Supervisors County Administrator